

SI 169C/2002

[CAP. 10:27

Access to Information and Protection of Privacy (Registration, Accreditation and Levy) Regulations, 2002

[These regulations were published as a supplement to the Zimbabwe Gazette dated 15th June, 2002, and came into operation on that date.]

Section

1. **Title.**
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FIRST SCHEDULE: Fees.

SECOND SCHEDULE: Forms.

IT is hereby notified that the Minister of State for Information and Publicity has, in terms of section 91 [Regulatory powers of the Minister]⁽¹⁾ of the Access to Information and Protection of Privacy Act [Chapter 10:27], made the following regulations:—

Title

1. These regulations⁽²⁾ may be cited as the Access to Information and Protection of Privacy (Registration, Accreditation and Levy) Regulations, 2002.

Interpretation

2. In these regulations—

“**appropriate fee**” means the appropriate fee prescribed in the First Schedule;

“**form**” means a form prescribed in the Second Schedule or a form substantially in accordance with a form so prescribed.

Application for registration of mass media service⁽³⁾

3. An application for the registration of a mass media service in terms of section 66 of the Act [Registration of mass media services] shall be made in **Form AP 1** and shall be accompanied by a business plan and the appropriate application fee and registration fee.

Application for registration of news agency⁽⁴⁾

4. An application for the registration of a news agency in terms of section 74 of the Act [News agencies] shall be made in **Form AP 2** and shall be accompanied by a business plan and the appropriate application fee and registration fee.

Business plan of applicant mass media service or news agency

5. The business plan of an applicant mass media service or news agency referred to in section 3 or 4 shall include, or be accompanied by—

- (a) the following projections based on normal assumptions and the most and least favourable assumptions—

- (i) a projected annual balance sheet for the first three years of operation;
- (ii) a projected annual profit and loss account for the first three years of operation;
- (iii) a projected cash flow statement for the first three years of operation.

- (b) market analysis, including identification of the market to be served by the applicant;
- (c) particulars of the financial resources to be applied to the mass media service or news agency;
- (d) particulars of previous experience in the provision of mass media or news agency services.

Application for accreditation of journalist⁽⁵⁾

6. An application for the accreditation of a journalist in terms of section 79 of the Act [Accreditation of journalists] shall be made in **Form AP 3** and shall be accompanied by the appropriate application fee and accreditation fee.

Application for permission to operate representative office of foreign mass media service

7. An application for permission to operate a representative office of foreign mass media service in Zimbabwe in terms of section 90 of the Act [Representative offices of foreign mass media services] shall be made in **Form AP 4** and shall be accompanied by the appropriate application fee and fee for permission to operate the representative office.

Processing of applications

- 8(1) The Commission shall, as soon as practicable, but in any case no later than 60 days from the date of receipt of an application in terms of section 3, 4, 6 or 7—

- (a) grant the application (subject to such conditions as it may think fit to impose) and issue to the applicant the registration certificate, press card or permission applied for; or
- (b) refuse the application, giving written reasons therefor.

- (2) An applicant for registration, accreditation or permission who—
- (a) before the date of commencement of the Act, carried on the activities of a mass media service, operated a news agency, was accredited as a journalist or operated a representative office of foreign mass media service; or
- (b) is seeking to renew the registration, accreditation or permission in terms of section 9;

shall, during the consideration of his application, be permitted to continue to carry on the activities of the mass media service, operate the news agency, work as a journalist or operate the representative office, as the case may be, until his application is determined.

(3) The fee for registration, accreditation or permission paid in terms of section 3, 4, 6 or 7 shall be refunded to an unsuccessful applicant, but not the application fee.

Application for renewal of registration, accreditation or permission

9. Not later than—
- (a) the end of a period of 24 months ending on the 31st December or any part of period of 24 months ending on the 31st December from the date of the first registration, a registered mass media service; or
- (b) the end of a period of 24 months ending on the 31st December or any part of period of 24 months ending on the 31st December from the date of the first registration, a registered news agency; or
- (c) the end of a period of 12 months ending on the 31st December or any part of period of 12 months ending on the 31st December from the date of the first accreditation, an accredited journalist; or
- (d) the end of a period of 12 months ending on the 31st December or any part of period of 12 months from the date of the first permission ending on the 31st December, the operator of a representative office of foreign mass media service in Zimbabwe;

wishing to renew the registration, accreditation or permission shall make application in **Form AP 5** accompanied by the appropriate registration or accreditation fee or fee for permission to operate the representative office, as the case may be:

Provided that if there are any material changes to the particulars furnished in connection with the original or previous application for registration, accreditation or permission, the applicant concerned shall make a new application in terms of section 3,4,6 or 7 as the case may be.

Levy payable to Media and Information Fund⁽⁶⁾

10. Not later than the 31st December in each year every registered mass media service shall pay into the Media and Information Fund a levy of 0,5% of its audited annual gross turnover.

FIRST SCHEDULE (Section 2)

FEES

Form No.	Form Description	Fee
AP 1	Application for registration of mass media service	
	Application fee	\$20,000
AP 2	Registration fee	\$500,000
	Application for registration of news agency	
AP 3	Application fee	\$20,000
	Registration fee	\$500,000
AP 4	Application for accreditation of journalist	
	Application for local journalist working for local media	
	Application fee	\$1,000
	Accreditation fee	\$5,000
	Application for local free-lance journalist	
	Application fee	\$500
	Accreditation fee	\$2,500
	Application for local journalist working for foreign media	
	Application fee	US\$50
	Accreditation fee	US\$1,000
AP 4	Application for temporary accreditation for a foreign journalist	
	Application fee	US\$100
	Accreditation fee	US\$500
AP 4	Application for permission to operate a representative office of foreign mass media service	
	Application fee	US\$2,000
	Fee for permission to operate	US\$10,000

SECOND SCHEDULE (Section 2)
PRESCRIBED FORMS

Form AP 1

APPLICATION FOR REGISTRATION OF A MASS MEDIA SERVICE

Instructions on how to complete this form.

- Attach annexures wherever necessary.
- Attach a certified copy of a national identity card for each director listed.
- Attach mission statement.
- Attach in-house code of ethics.
- Attach in-house code of conduct for employees if different from code of ethics.
- Attach in-house style book.
- Do not leave any questions blank or unanswered: where necessary answer "Not applicable" or "Not known".
- All responses in this form and all annexures shall be typewritten.
- Upon completion the original of this form and supporting annexures shall be submitted to:
The Chairman, Media and Information Commission, P.O. Box 7700, Causeway, Harare.
- All inquiries concerning this form should be directed to the Chairman at the above address.

1. State the name, address and telephone number of the person(s) who may be contacted regarding any questions in respect of this application:
2. Name of applicant (attach certified copies of certificate of incorporation and memorandum and articles of association):
3. Type of mass media activities in respect of which registration is sought:
4. State titles published, their frequency, circulation figures and whether general news or specialised information (give details of the specialised information):
5. Address of applicant's head office:
6. Names, addresses and occupations of directors (attach certified copy of latest form CR 14):
7. Indicate other directorships held by persons listed in 6 and state the names of the companies concerned:
8. Indicate public offices held or office held in a political party by persons listed in 6:
9. Indicate shareholding structure (including nationality of shareholders):
10. Name, address, nationality, qualifications and experience of Chief Executive Officer:
11. Names, addresses, nationalities and qualifications of senior managers involved or to be involved in the mass media service:
12. State shareholding, if any, in any other mass media service or news agency:
13. Indicate applicant's shareholding in or ownership of a person licensed in terms of the Broadcasting Services Act [Chapter 12:06]:
14. Indicate applicant's shareholding in or ownership of a person licensed in terms of the Postal and Telecommunications Act [Chapter 12:05]:
15. Indicate applicant's shareholding in or ownership of any advertising agency:
16. Has the applicant or any of its directors ever been convicted of any offence within or outside Zimbabwe? Yes/No. If yes, provide details.
17. Has applicant or any of its directors failed to satisfy within one year any judgement debt issued in Zimbabwe or elsewhere? Yes/No. If yes, provide details.
18. Has applicant or any of its directors ever:
 - (a) been adjudged insolvent by a court, in Zimbabwe or elsewhere? (Yes/No);
 - (b) been served with an insolvency petition within the last 10 years in Zimbabwe or elsewhere? (Yes/No);
 - (c) made any compromise with his/her creditors? (Yes/No);
 - (d) been declared insolvent? (Yes/No).

If the answer to any of these questions is yes, provide details.

Form AP 2
APPLICATION FOR REGISTRATION OF A NEWS AGENCY

Instructions on how to complete this form.

- Attach annexures wherever necessary.
 - Attach a certified copy of a national identity card for each director listed.
 - Do not leave any questions blank or unanswered: where necessary answer "Not applicable" or "Not known".
 - All responses in this form and all annexures shall be typewritten.
 - Upon completion the original of this form and supporting annexures shall be submitted to: The Chairman, Media and Information Commission, P.O. Box 7700, Causeway, Harare
 - All inquiries concerning this form should be directed to the Chairman at the above address.
1. State the name, address and telephone number of the person(s) who may be contacted regarding any questions in respect of this application:
 2. Name of applicant (attach certified copies of certificate of incorporation and memorandum and articles of association):
 3. State whether electronic, print or both:
 4. Address of applicant's head office:
 5. Names, addresses and occupations of directors (attach certified copy of latest form CR 14):
 6. Indicate other directorships held by persons listed in 5 and state the names of the companies concerned:
 7. Indicate public offices held or office held in a political party by persons listed in 5:
 8. Indicate shareholding structure (including nationality of shareholders):
 9. Name, address, nationality, qualifications and experience of Chief Executive Officer:
 10. Names, addresses, nationalities and qualifications of senior managers involved or to be involved in the news agency:
 11. State shareholding, if any, in any other news agency or mass media service:
 12. Indicate applicant's shareholding in or ownership of a person licensed in terms of the Broadcasting Services Act [Chapter 12:06]:
 13. Indicate applicant's shareholding in or ownership of a person licensed in terms of the Postal and Telecommunications Act [Chapter 12:05]:
 14. Indicate applicant's shareholding in or ownership of any advertising agency:
 15. Has the applicant or any of its directors ever been convicted of any offence within or outside Zimbabwe? Yes/No. If yes, provide details.
 16. Has applicant or any of its directors failed to satisfy within one year any judgement debt issued in Zimbabwe or elsewhere? Yes/No. If yes, provide details.
 17. Has applicant or any of its directors ever
 - (a) been adjudged insolvent by a court, in Zimbabwe or elsewhere? (Yes/No);
 - (b) been served with an insolvency petition within the last 10 years in Zimbabwe or elsewhere? (Yes/No);
 - (c) made any compromise with his/her creditors? (Yes/No);
 - (d) been declared insolvent? (Yes/No).If the answer to any of these questions is yes, provide details.
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Form AP 3

APPLICATION FOR ACCREDITATION OF A JOURNALIST

Instructions on how to complete this form.

- Attach annexures wherever necessary.
- Attach a certified copy of a national identity card.
- Do not leave any questions blank or unanswered: where necessary answer “Not applicable” or “Not known”.
- All responses in this form and all annexures shall be typewritten.
- Upon completion the original of this form and supporting annexures shall be submitted to:-
The Chairman, Media and Information Commission, P.O. Box 7700, Causeway, Harare
- All inquiries concerning this form should be directed to the Chairman at the above address.

Tick applicable box:

- Local Media
- Foreign Media
- Temporary Applicant
- New Application
- Renewal of Application

PERSONAL INFORMATION

Title: Prof./Dr/Mr/Mrs/Miss/Other:

Surname: First Name: Initial:

Date of Birth: Place and Country of Birth:

Marital Status: Sex: Male/Female

National Registration Number:

Passport No: Date of Expiry: Issued at:

Nationality: Driver's Licence:

Previous Media Card No.:

Residential Address:

Phone No.: Fax/email: Cell:

Proposed date of arrival in Zimbabwe:

Is this your first time in Zimbabwe? Yes/No

If no indicate when you were last in Zimbabwe:

Highest Academic Qualifications (attach copy certified by Notary Public)

Year	Name of Institution	Qualification

Professional Qualifications (attach copy certified by Notary Public)

Year	Training	Awards

Please tick applicable box:

- | | |
|--|--|
| <p>Type of Medium</p> <ul style="list-style-type: none"> <input type="checkbox"/> News Agency <input type="checkbox"/> Newspaper <input type="checkbox"/> Television <input type="checkbox"/> Radio <input type="checkbox"/> Magazine
 <input type="checkbox"/> News Photo <input type="checkbox"/> Others (Specify) | <p>Designation</p> <ul style="list-style-type: none"> <input type="checkbox"/> Producer/Editor <input type="checkbox"/> Correspondent <input type="checkbox"/> Photographer <input type="checkbox"/> Freelance <input type="checkbox"/> Camera person <input type="checkbox"/> Reporter <input type="checkbox"/> Engineer/Technician <input type="checkbox"/> Others (Specify) |
|--|--|

Media Organisation represented:

Physical Address:

Phone No.: Fax/email: Cell:

Physical Address of Headquarters:
 Phone No.: Fax/email: Cell:
 Country in which journalist based:
 Name of Editor/Publisher:
 Phone No.: Fax/email:
 Immediate superior you report to:
 Phone No.: Fax/email: Cell:
 Which other organisation do you string for?
 Give details:

RECORD

Have you ever been convicted of any crime? Yes/No
 If yes give details:
 Address in Zimbabwe:
 Telephone: Cell:
 Arrived on:
 By air/road:
 Port of entry:
 Departing on:
 Specific assignment to be covered in Zimbabwe (briefly):

REFEREES

Name	Address	Tel/Cell

DECLARATION

I declare that all the information given above is to the best of my knowledge true and complete.

Signature of applicant: Date:

Signature of Editor/Publisher:

Official Stamp of Media Organisation

N.B. Processing of:

1. Local media application forms take up to 14 working days.
2. Foreign media application forms take up to 21 working days.
3. Temporary media application forms take up to 14 working days.

FOR OFFICIAL USE ONLY

Accreditation issued until:
 Accreditation Card No.: Issued at:
 Immigration File No.: Place of Issue: Date:
 Accrediting Officer's Name:
 Signature: Date:
 Permanent Secretary:
 Recommended/Not Recommended
 Signature: Date:
 Minister:
 Approved/Not Approved
 Signature: Date:

Form AP 4
APPLICATION FOR PERMISSION TO OPERATE
A REPRESENTATIVE OFFICE OF A FOREIGN MASS MEDIA SERVICE

Instructions on how to complete this form.

- Attach annexures wherever necessary.
 - Attach a certified copy of a national identity card for each director listed.
 - Attach mission statement.
 - Attach in-house code of ethics.
 - Attach in-house code of conduct for employees if different code of ethics.
 - Attach in-house style book.
 - Do not leave any questions blank or unanswered: where necessary answer “Not applicable” or “Not known”.
 - All responses in this form and all annexures shall be typewritten.
 - Upon completion the original of this form and supporting annexures shall be submitted to:-
The Chairman, Media and Information Commission, P.O. Box 7700, Causeway, Harare.
 - All inquiries concerning this form should be directed to the Chairman at the above address.
1. State the name, address and telephone number of the person(s) who may be contacted regarding any questions in respect of this application:
 2. Name, address of head office, mailing address and type of the applicant foreign mass media service (“the applicant”):
 3. State whether electronic, print or both:
 4. Description of the activities to be engaged in or services to be offered by the proposed representative office:
 5. Physical and mailing address of proposed representative office:
 6. Attach a list of the names and addresses of journalists employed in the representative office.
 7. If the proposed representative office will not be wholly owned by the applicant, provide a list of any member or shareholder of the representative office holding 10% or more of the share capital of the representative office or of the voting rights of members of the representative office.
 8. Provide any other information in connection with this application that may assist the Commission in fully evaluating the merits of this application.
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Form AP 5

APPLICATION FOR RENEWAL OF REGISTRATION, ACCREDITATION OR PERMISSION

Instructions on how to complete this form

- Attach annexures wherever necessary.
 - Do not leave any questions blank or unanswered: where necessary answer “Not applicable” or “Not known”.
 - All responses in this form and all annexures shall be typewritten.
 - The Commission may request the applicant to submit a new application for registration, accreditation or permission if it considers that any changes to the particulars supplied in the previous or original application are material.
 - Upon completion the original of this form and supporting annexures shall be submitted to:
The Chairman, Media and Information Commission, PO Box 7700, Causeway, Harare
 - All inquiries concerning this form should be directed to the Chairman at the above address.
1. State the name, address and telephone number of the person(s) who may be contacted regarding any questions in respect of this application:
 2. Name, address of head office, mailing address and type of applicant for renewal of registration, accreditation or permission:
 3. Have there been any changes to the particulars supplied in the previous or original application for registration, accreditation or permission? Yes/No. If yes, provide details:

Supplement to the Zimbabwean Government Gazette Extraordinary dated the 15th June, 2002.

Editorial notes:

(1) **Section 91** of the Act [*Regulatory Powers of the Minister*] reads:-

(1) The Minister may, by regulation, order or notice, prescribe matters that, by this Act, are required or permitted to be prescribed or that in the opinion of the Minister are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without derogating from the generality of subsection (1), regulations, orders or notices made in terms of subsection (1) may provide for—

- (a) the form, manner and period in which applications for registration shall be made;
- (b) the form, manner and period in which complaints against public bodies, mass media services and journalists shall be dealt with;
- (c) the amount of annual levy payable to the Fund;
- (d) the manner in which moneys held in the Fund may be invested;
- (e) the fees to be paid for applications, accreditation and registration and the manner of their payment;
- (f) the form, manner and period in which requests for information from public bodies shall be made;
- (g) the standards to be observed by employees of public bodies when responding to requests for information;
- (i) the procedures to be followed when disclosing information;
- (j) persons, organisations or institutions exempted from the provisions of this Act;
- (k) the fee to be paid to a public body to access information or a record;
- (l) personal information that may be disclosed by a public body;
- (m) the information to be contained in an application for registration of a mass media service;
- (n) information to be disclosed for research or statistical purposes;
- (o) the form and manner of publisher's imprints;
- (p) the qualifications for registration as a journalist;
- (q) the period for when contributions to the Fund will be made;
- (r) periodicals or publications exempt from registration."

(2) Statutory and "not for sale" mass media do not have to register or pay the levy.

Section 68 of the Act [*Exemption from Registration*] reads:-

"The following mass media services are exempted from registering in terms of this Act—

- (a) a mass medium founded under an Act of Parliament;
- (b) a mass media service that circulates mass media products that are not for sale for mass circulation."

By section 10 above, only registered mass media are required to pay a 0,5% of turnover levy to the Media and Information Fund.

(3) "**Mass media service**" and "**mass media**" are defined in **section 2** of the Act [*Interpretation*] as including:-

"any service or media consisting in the transmission of voice, visual, data or textual messages to an unlimited number of persons, and includes an advertising agency, publisher or, except as otherwise excluded or specially provided for in this Act, a news agency or broadcasting licensee as defined in the Broadcasting Services Act [*Chapter 12:06*]."

(4) "**News Agency**" is referred to in the definition of "mass media" in section 2 of the Act, above, and appears to be "as defined in the Broadcasting Services Act". However no definition occurs in the Broadcasting Services Act or other statute. *Chambers Dictionary* defines "news agency" as "an organisation which collects material for newspapers, magazines, etc."

(5) "**Journalist**" is defined in **section 62** of the Act [*Interpretation in Part XI - Regulation of mass media services*] as:-

"a person who gathers, collects, edits or prepares news, stories and materials for the office of a mass media and is connected with it by reason of his employment and includes freelance journalist".

(6) **Section 46** of the Act [*Levies*] empowers the Minister to prescribe an annual levy to be paid by mass media owners, other than broadcasters as defined, to the Media and Information Fund. The levy doubles if it is not paid within 7 days of the due date (ss. (3)).

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